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REMARKS

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I.   **Formal Matters**

     Claims 1-3 and 5-9 constitute all currently pending claims in the application. Claim 4 is

canceled without prejudice or disclaimer. Claims 1-3 and 5-9 are amended.

     Applicant thanks the Examiner for initialing the information disclosure statement (IDS)

submitted on October 23, 2003; however, the Examiner does not indicate acceptance of the

drawings filed on October 23, 2003, or of the Priority Document filed on February 9, 2004. The

Examiner is, therefore, respectfully requested to indicate such acceptance in the next

communication.

II.   **Claim Rejections Under 35 U.S.C. § 102**

     Claims 1-9 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S.

Patent No. 7,225,271 B1 to DiBiasio et al. ("DiBiasio"). Claim 4 is canceled, thereby rendering

its rejection moot. Applicant traverses this rejection with respect to remaining claims 1-3 and 5-

9 for at least the following reasons.

     Claim 1 is amended to require that "each queue of said plurality of queues is controlled

by a queue manager adapted to discard packets coming from said packet classifier when a

predetermined threshold filling level of the queue is reached." The Examiner contends that this

feature is taught by DiBiasio, and argues the following:

> [I]f there is not enough bandwidth there is [sic] or insufficient
> available bandwidth, the RSVP engine 424 directs its message
> generator 426 to formulate a reservation error (ResvErr) message,
> which is then sent back toward the destination/receiving entity, i.e.,
> voice agent 204, as indicated at block 634, column: 11, lines: 42-
> 45.

(Office Action at 4, 5.)

Amended claim 1, however, clearly recites "a queue manager adapted to discard packets coming from said packet classifier." Although the Examiner appears to associate the RSVP engine 424 of DiBiasio with the queue manager of amended claim 1, the RSVP engine 424 is not a queue manager because it does not manage the queues the Examiner associates with the queues of claim 1, namely, the reserved queues Q1-Q4 506a-d of DiBiasio. Furthermore, the mechanism of DiBiasio described by the Examiner does not deal with packets "coming from [the] packet classifier," but rather, with the "packets received for transmission," as shown in Fig. 5 of DiBiasio, which are packets apparently coming into the classification engine 502 of DiBiasio.

Thus, DiBiasio fails to teach each and every element of amended claim 1, and therefore, fails to anticipate claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1 and its dependent claims 2, 3, and 5-9.

III.   **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

This Application is being filed via the USPTO Electronic Filing System (EFS). Applicants herewith petition the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the

Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said

Deposit Account.

Respectfully submitted,

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